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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/566,895

02/01/2006

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EXAMINER

LAU, HOI CHING

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

12/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/566,895 | <b>Applicant(s)</b><br>HARMAN, ROBERT KEITH |  |
|                              | <b>Examiner</b><br>HOI C. LAU        | <b>Art Unit</b><br>2612                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 57-75,91-93 and 98-100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 57-75,91-93 and 98-100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/1/06, 9/25/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 57-75, 91-93, 98-100 have been examined.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 57-75, 91-93, 98-100 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to **claims 57,61,62,66,67,72,91,98**, the term “contra-directional” and “co-directional” as used in the claims are indefinite and not widely used in the art to be self-explanatory in the context of the claims, although these terms are defined in the Specification, paragraph 53, “a contra-directionally coupled response is associated with a transmitted coded pulse sequence whereas a co-directionally coupled response is associated with a reflection returned from the end of a lead out cable”, however, should be defined or included in claims so as to improve upon the clarity of the claims.

As to claim 58-65, 73-75, 92-93 and 99-100, they are rejected under 35 U.S.C. 112, second paragraph based on the dependency of claims 57,72,91,98.

As to **claim 58**, the claim limitation “thumbtack correlation” is indefinite and is not well explained and described in the Specification for further claim consideration.

As to **claim 58, 68 and 70**, the claim limitation “a plurality B of points along the sensor cable, defined as range bins” in claim 58, “a plurality B of range bins” in claim 68

Art Unit: 2612

and the associated “B” in claim 70 are indefinite. They should be reworded as “a plurality B of points along the sensor cable, defined as range bins B” and “a plurality of range bins B”.

As to claim 69-75, they are rejected under 35 U.S.C. 112, second paragraph based on the dependency of claim 68.

***Allowable Subject Matter***

3. Claims 57-75, 91-93, 98-100 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Harman (U.S. 5,448,222) “Coupled transmission line sensor cable and method”
- b. Harman (U.S. 2002/0041232) “FW CW cable guided intrusion detection radar”
- c. Harman (U.S. 5,446,446) “Differential, multiple cell reflex cable intrusion detection system and method”

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOI C. LAU whose telephone number is (571)272-8547. The examiner can normally be reached on M- F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Benjamin C. Lee can be reached on (571)272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hoi C Lau/  
Examiner, Art Unit 2612

/Benjamin C. Lee/  
Supervisory Patent Examiner, Art Unit 2612